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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

| | | |
|---------------------------|---|----------------------------|
| UNITED STATES OF AMERICA, |) | No. CR 08- 00155- RMW |
| |) | |
| Plaintiff, |) | |
| |) | STIPULATION AND [PROPOSED] |
| v. |) | ORDER EXCLUDING TIME |
| |) | |
| ROBERT DUBOIS, |) | |
| |) | |
| Defendants. |) | SAN JOSE VENUE |
| |) | |

On April 21, 2008, the parties in this case appeared before the Court for status conference. The parties jointly requested that the case be continued from, April 21, 2008 until May 19, 2008 at 9:00 a.m. in order for counsel for defendant and the Government to discuss a possible resolution of the case. In addition, the parties requested an exclusion of time under the Speedy Trial Act from April 21, 2008 until May 19, 2008 at 9:00 a.m. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

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1 SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

3 DATED: 5/2/08

_____/s/_____
THOMAS M. O'CONNELL
Assistant United States Attorney

6 DATED: 5/2/08

_____/s/_____
JAMES MCNAIR THOMPSON
Counsel for ROBERT DUBOIS

9 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded
10 under the Speedy Trial Act from April 21, 2008 until May 19, 2008. The Court finds, based on
11 the aforementioned reasons, that the ends of justice served by granting the requested continuance
12 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant
13 the requested continuance would deny defense counsel reasonable time necessary for effective
14 preparation, taking into account the exercise of due diligence, and would result in a miscarriage
15 of justice. The Court therefore concludes that this exclusion of time should be made under 18
16 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

17 SO ORDERED.

19 DATED:_____

RONALD M. WHYTE
United States District Judge